

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DERRICK R. COOMBS	:
Petitioner	:
v.	:
RAYMOND J. SOBINA, Superintendent,	:
S.C.I. SOMERSET, <u>et al.</u> ,	:
Respondents	:

Civil Action No. 96-333J

MEMORANDUM ORDER

Petitioner's Motion to Recall Order, and Relief From Judgment and Mandatory Evidentiary Hearing, docket no. 128, Motion for Summary Judgment, docket no. 130, and Motion for Declaratory Judgment, docket no. 131, were referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b), and Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on October 17, 2005, docket no. 132, recommending that the motions be denied and that petitioner be barred from filing further motions of the same type.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. The petitioner filed objections, docket no. 133, which I have considered but find to be without merit.

After de novo review of the record of this matter together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 1st day of November, 2005, it is

ORDERED that the petitioner's Motion to Recall Order, and Relief From Judgment and Mandatory Evidentiary Hearing, docket no. 128, Motion for Summary Judgment, docket no. 130, and Motion for Declaratory Judgment, docket no. 131, are denied. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall return unfiled and undocketed any further motions under Rule 60 and any other motions purporting to be attempts to reopen this matter.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

cc:

Derrick R. Coombs CT-1800
S.C.I. Camp Hill
P.O. Box 200
Camp Hill, PA 17001-0200

Centre County District Attorney's Office
Centre County Courthouse, Room 404
Bellefonte, PA 16823